

## **REMARKS**

The present Amendment amends claims 1, 3, 5, 7, 9, 11, 13 and 14 and leaves claims 2, 4, 6, 8, 10 and 12 unchanged. Therefore, the present application has pending claims 1-14.

Applicants respectfully request the Examiner to contact Applicants' Attorney, the undersigned, by telephone to discuss the outstanding issues of the present application prior to examination.

Claims 1-14 stand rejected under 35 USC §102(e) as being anticipated by Nolan (U.S. Patent No. 6,640,278). This rejection is traversed for the following reasons. Applicants submit that the features of the present invention as now recited in claims 1-14 are not taught or suggested by Nolan whether taken individually or in combination with any of the other references of record. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

Amendments were made to the claims in order to more clearly describe features of the present invention. Particularly, amendments were made to the claims so as to more clearly recite that the present invention is directed to a processing method for use in the operation of a storage managing server that is connected to a storage device and a storage managing terminal, the storage managing server, the storage managing terminal and a storage managing system.

The processing method according to the present invention includes receiving, by the storage managing server, a first request, requesting download of a manager program, issued from the storage managing terminal, wherein the manager program is used by the storage managing terminal for

executing processing on the storage managing server, and receiving, by the storage managing server, a second request for executing processing including conducting communication of constructional information, which includes volume information defining characteristics of a plurality of volumes included in the storage device, between the storage device and the storage managing server, wherein the constructional information is used for managing the volumes included in the storage device.

Further, according to the present invention the processing method includes starting, by the storage managing server, processing, which includes at least sending a request to the storage device requesting constructional information, with respect to the second request, and receiving the constructional information transmitted from the storage device in response to the request, before the storage managing server transmits a response to the first request to the storage managing terminal, wherein the storage managing server, before transmitting a response to the first request including downloading the manager program to the storage managing terminal, transmits the constructional information transmitted from the storage device to the storage managing terminal.

Still further, according to the present invention the processing method provides that the storage managing terminal, before downloading the manager program from the storage managing server, but after receiving the constructional information from the storage managing server, starts processing which includes displaying a constructional information display operation screen on a display device including the received constructional

information, and wherein the storage device includes the volumes each of which stores data sent from the host computers via a network.

The above described features of the present invention now more clearly recited in the claims are not taught or suggested by any of the references of record whether taken individually or in combination with each other. Particularly, the above described features of the present invention as now more clearly recited in the claims are not taught or suggested by Nolan whether taken individually or in combination with any of the other references of record.

Nolan teaches a method and system for configuration and management of storage resources in a storage network. According to Nolan, an intermediate system is installed in the storage network between the clients and the storage resources and logical storage extents are assigned to clients in the storage network using logic in the intermediate system.

Further, according to Nolan, the storage resources are assigned in the storage network to logical storage extents using the intermediate system and storage transactions are routed through the intermediate system according to the logical storage extents assigned to the clients and according to the storage resources assigned to the logical storage extents. Thus, Nolan simply describes the use of user interfacing and a storage manager which are operated by the user. There is absolutely no teaching or suggestion in Nolan of the use of constructional information nor of numerous other features of the present invention as recited in the claims.

As per the claims, the first request requests downloading of the manager program to be used in the storage managing terminal to execute

processings on the storage managing server. Such a first request requesting download of a manager program is not taught or suggested by Nolan.

Further, the claims recite that the storage managing terminal sends a second request for execution of processings of the storage managing server including conducting communication of constructional information, which includes volume information defining characteristics of volumes included in the storage device, between the storage device and the storage managing server, wherein the constructional information is used for managing the volumes included in the storage device. Such features are clearly not taught or suggested by Nolan.

Unique according to the present invention is that the first and second requests are managed in such a manner so that the second request including requesting constructional information and receiving the constructional information transmitted from the storage device in response to the request is performed before the storage managing server transmits a response to the first request. Such features are also not taught or suggested by Nolan.

Further, unique according to the present invention is that by managing the processing performed with respect to the first and second requests so that the second request including requesting the constructional information and receiving the constructional information transmitted from the storage device in response to the request is processed before the storage managing server transmits a response to the first request, and that the constructional information can be displayed by a constructional information display operation screen used for updating said constructional information before execution of the manager program. Attention is directed to the discussions of the above

described features of the present invention as set forth on page 8, line 18 through page 9, line 14 of the present application.

There is absolutely no teaching or suggestion in Nolan of the above described features of the present invention as clearly recited in the claims.

Thus, Nolan fails to teach or suggest starting, by the storage managing server, processing, which includes at least sending a request to the storage device requesting constructional information, with respect to the second request, and receiving the constructional information transmitted from the storage device, in response to the request, before the storage managing server transmits a response to the first request to the storage managing terminal as recited in the claims.

Further, Nolan fails to teach or suggest that the storage managing server, before transmitting a response to the first request including downloading the manager program to the storage managing terminal, transmits the constructional information transmitted from the storage device to the storage managing terminal as recited in the claims.

Still further, Nolan fails to teach or suggest that the storage managing terminal, before downloading the manager program from the storage managing server, but after receiving the constructional information from the storage managing server, starts processing which includes displaying a constructional information display operation screen on a display device including the received constructional information as recited in the claims.

Therefore, Nolan fails to teach or suggest the features of the present invention as now more clearly recited in the claims. Accordingly,

reconsideration and withdrawal of the 35 USC §102(e) rejection of claims 1-14 as being anticipated by Nolan is respectfully requested.


The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the reference utilized in the rejection of claims 1-14.

In view of the foregoing amendments and remarks, applicants submit that claims 1-14 are in condition for allowance. Accordingly, early allowance of claims 1-14 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (TMI-5011).

Respectfully submitted,

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